

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 17, 2021

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Chaplain Bobby GreyEagle, United Chapel, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Eighteenth, Thirty-sixth, and Forty-fourth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 341, after line 28 insert:

"Page 5, line 30, remove the overstrike over "2"

Page 5, line 30, remove "1"

Page 756, line 3, remove "; and to declare an emergency"

Page 856, line 35, replace "**DO PASS**" with "**DO NOT PASS**"

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1345, as engrossed: SEN. DWYER (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1208: SEN. DWYER (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1175: A BILL for an Act to create and enact a new chapter to title 32 of the North Dakota Century Code, relating to business immunity from COVID-19 liability claims; to provide for retroactive application; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Myrdal; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Heckaman; Hogan; Marcellais; Mathern; Oban; Oehlke

Engrossed HB 1175, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to employer immunity regarding COVID-19; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Larsen, O.

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1376 failed.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact sections 12-60.1-01 and 12-60.1-02 and subsection 8 of section 12-60.1-04 of the North Dakota Century Code, relating to sealing criminal records.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1196 passed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record of a driving under the influence offense; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1336 passed.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to working papers of higher education internal auditors.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Larsen, O.; Myrdal

HB 1346 passed.

SECOND READING OF HOUSE BILL

HB 1251: A BILL for an Act to amend and reenact sections 28-20-13, 28-20-21, 28-20-22, 28-20-23, and 28-20-35 of the North Dakota Century Code, relating to actions having twenty-year limitations, docketing judgments, renewal of judgments by affidavit, and cancellation of judgment of record; to repeal sections 28-20-21, 28-20-22, and 28-20-23 of the North Dakota Century Code, relating to renewal of judgments by affidavit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Hogue

Engrossed HB 1251 passed.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for COVID-19 relief benefits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Larsen, D.; Larsen, O.; Luick

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Marcellais; Mathern; Meyer; Myrdal;

Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1374 failed.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority during a declared state or disaster or emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Vedaa; Wanzek; Weber; Wobbema

NAYS: Bekkedahl; Bell; Burckhard; Dever; Heckaman; Hogan; Krebsbach; Kreun; Lee; Marcellais; Mathern; Sorvaag; Wardner

HB 1180 passed.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to exemptions from open meetings requirements for the state board of higher education; and to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to exemptions from open meetings requirements for the state board of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Hogue; Larsen, O.

HB 1220 passed.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact section 54-59-22.1 of the North Dakota Century Code, relating to the required use of centralized desktop support services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Clemens; Heitkamp; Klein; Larsen, D.; Larsen, O.; Myrdal; Roers, J.; Vedaa; Wanzek

NAYS: Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, K.; Rust; Schaible; Sorvaag; Wardner; Weber; Wobbema

Engrossed HB 1094 failed.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1355 passed.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to required patriotism projects for public elementary school students; and to provide a report to the legislative management.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dever; Larsen, D.

NAYS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1143 failed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1041, HB 1056, HB 1218, HB 1242, HB 1357.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1371.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1120.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, unchanged: SB 2070, SB 2119, SB 2199, SB 2294, SB 2330, SB 2336.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2116.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2088, SB 2113, SB 2187.

HOUSE AMENDMENTS TO SENATE BILL NO. 2088

Page 1, line 4, replace "an effective date" with "for application"

Page 3, replace lines 1 and 2 with:

"SECTION 3. APPLICATION. The department of human services shall stagger the implementation of section 2 of this Act so the section applies:

1. On January 1, 2022, to adoption assistance agreements entered between the department of human services and the adoptive parent on or after January 1, 2022; and
2. On January 1, 2023, to adoption assistance agreements entered between the department of human services and the adoptive parent on or before December 31, 2021."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2113

Page 1, line 14, replace "at" with "with"

Page 1, line 14, replace "discretion" with "consent"

Page 1, line 20, replace "at" with "with"

Page 1, line 20, replace "discretion" with "consent"

Page 2, line 2, replace "at" with "with"

Page 2, line 2, replace "discretion" with "consent"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2187

Page 6, line 5, after "25." insert "Provisional license means a license granted to an applicant who has submitted the information required in section 43-44-12 and applied for examination but has not completed the examination successfully yet.

26."

Page 6, line 23, replace "26." with "27."

Page 6, line 27, replace "27." with "28."

Page 7, line 1, replace "28." with "29."

Page 8, line 28, overstrike "limited permit" and insert immediately thereafter "provisional license"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2261, SB 2341.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261

Page 2, line 28, after "insured" insert "account or"

Page 3, line 5, after "account" insert "or separate certificate of deposit"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2341

Page 1, line 3, remove the first "and"

Page 1, line 4, after "data" insert "; and to declare an emergency"

Page 1, line 14, replace the underscored comma with an underscored semicolon

Page 1, line 15, replace the underscored comma with an underscored semicolon

Page 1, line 15, remove "as"

Page 1, line 16, replace "necessary for board business purposes, including" with "for"

Page 2, line 2, after the underscored period insert "The board shall provide the report in a manner that is in compliance with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.]."

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2143.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2028, SB 2047, SB 2107, SB 2108, SB 2136, SB 2140, SB 2147, SB 2167, SB 2196, SB 2221.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1176, HB 1179, HB 1308, HB 1329, HB 1366, HB 1417, HB 1445.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2027, SB 2050, SB 2053, SB 2056, SB 2061, SB 2066, SB 2075, SB 2076, SB 2081, SB 2094, SB 2105, SB 2106, SB 2109, SB 2111, SB 2114, SB 2115, SB 2134, SB 2135, SB 2152, SB 2157, SB 2224, SB 2243, SB 2250.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2027, SB 2050, SB 2056, SB 2061, SB 2066, SB 2075, SB 2076, SB 2081, SB 2094, SB 2105, SB 2106, SB 2109, SB 2111, SB 2114, SB 2115, SB 2134, SB 2135, SB 2152, SB 2157, SB 2224, SB 2243.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1176, HB 1179, HB 1308, HB 1329, HB 1366, HB 1417, HB 1445.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 17, 2021: SB 2027, SB 2050, SB 2056, SB 2061, SB 2066, SB 2075, SB 2076, SB 2081, SB 2094, SB 2105, SB 2106, SB 2109, SB 2111, SB 2114, SB 2115, SB 2134, SB 2135, SB 2152, SB 2157, SB 2224, SB 2243.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders

of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 18, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1033, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1033 was placed on the Sixth order on the calendar.

Page 2, line 9, remove "electronic records"

Page 2, replace lines 10 through 16 with "interoperable electronic medical record accessible by the prescribing practitioner, or other prevailing means accessible by"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1090, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1154, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1154 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1288, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1288 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "under the age of eighteen. An"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "years of age as long as the individual satisfies the eligibility requirements of this chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1418 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Klein's motion.

Shanda Morgan, Secretary